

Item No.75
23.12.2024
Court. No. 35
GB

WPA 29808 of 2024

Mahakala Khanam
VS
The State of West Bengal & Ors.

*Mr. Shahan Shah,
Sk. Abumusa*

...for the Petitioner.

*Mr. Asish Kumar Guha,
Mr. Benazir Ahmed*

...for the State.

*Mr. Rahul Kumar Singh,
Mr. Altamas Kabir,
Ms. Anusmita Bhattacharya*

...for the Respondent Nos.7 to 9.

Affidavit-of-service filed on behalf of the petitioner is kept with the record.

The petitioner is aggrieved by the fact that in spite of the direction passed in PS 484 of 2024 dated 17.12.2024 directing the Inspector-in-Charge, Goalpokher Police Station to ensure that the order dated 08.10.2024 is not violated. It has been complained that in spite of the same, the private respondents have been pursuing their illegal objective of changing the nature, character and possession of the suit property.

Learned advocate for the private respondents submits that they have already applied for modification of the order passed by the learned Civil Judge (Senior Division), Islampur, Uttar Dinajpur. Be that as it may, the order still remains.

The report of the police authorities reflects that they have only drawn up proceedings under Section 126 BNSS. The police authorities would implement the order passed by

the learned civil court until the same is modified or varied. In case, the private respondents carry out or pursue their illegal objective of changing the nature and character of the suit property which is the subject matter before the civil court, on an application made by the petitioner the Executive Magistrate in seisin of the matter would pass necessary directions to the extent that the private respondents would stay outside the jurisdiction of the Goalpoker Police Station. The police authorities would submit a report before the civil court regarding the steps taken for compliance of its order on the next date fixed and would ensure that the civil court's order is implemented and there is no change in the nature and character of the suit property.

With the aforementioned observations, WPA No.29808 of 2024 is disposed of.

Report so submitted by the State be kept with the record along with the Photostat copy of the order dated 17.12.2024 submitted by the petitioner.

Parties are directed to act on the basis of the server copy of this order.

(Tirthankar Ghosh, J.)